

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT GREG GALLAGHER, )  
BETTY FRANKLIN, ) 3:08-cv-00055-ECR-VPC  
 )  
Plaintiffs, )  
 )  
vs. ) ORDER  
 )  
CRYSTAL BAY CASINO, LLC, )  
ROGER WILLIAM NORMAN, )  
VENTRCEK ADVERTISING DESIGN, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Plaintiff's Motion in Limine #94 filed on August 15, 2011, is  
**GRANTED** as follows:

1. Plaintiffs' motion to exclude evidence at trial of Plaintiff Robert Greg Gallagher's prior felony conviction is **GRANTED**, unless Plaintiffs open the door to such evidence during the trial, and Defendants satisfy the requirements of Fed. R. Evid. 609(b) for admission of the time limited evidence.
2. Plaintiffs' motion to exclude at trial exhibits Defendants' Exhibit D 508 (a newspaper article about Mr. Gallagher) and Defendants' Exhibit D 509 (a civil judgment entered against Mr. Gallagher in Oregon) is **GRANTED**. However, this order is entered subject to the following conditions. The Court has not had an

1 opportunity to examine the article or judgment. Neither  
2 of these documents appears to be admissible as such.  
3 They are hearsay not subject to any disclosed exception.  
4 If the article or judgment reveal specific instances of  
5 conduct with respect to Mr. Gallagher's character for  
6 truthfulness, he may be examined concerning such conduct  
7 on cross examination if he testifies as a witness at  
8 trial. Also a character witness for Mr. Gallagher may  
9 also be cross-examined as to such conduct of Mr.  
10 Gallagher at trial.

11 Prior to presentation of such testimony at the  
12 trial, Defendants shall request a sidebar conference so  
13 that the Court may examine such documents and counsel may  
14 be heard. The alleged false representations by  
15 Defendants regarding Elvis Presley memorabilia do appear  
16 tentatively to refer to character for untruthfulness. A  
17 false promise to repay a bank loan could raise issues for  
18 the Court to consider.

19 Dated this 2<sup>nd</sup> day of September 2011.

20   
21

22 EDWARD C. REED

23 Senior United States District Judge  
24  
25  
26  
27  
28